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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Defendants.

1 The parties have submitted a Stipulated Protective Order, Docket Entry No.
2 22 (“Stipulation”), seeking an Order protecting confidential, proprietary or private
3 information produced or exchanged in discovery.

4 The Court, having reviewed the Stipulation, and good cause appearing,
5 hereby GRANTS the Stipulation with the following modifications:

6 1. Paragraph 2.15 & Exhibit A are modified to replace “2:16-cv-8781”
7 with “2:17-cv-02835-CBM-JC”.

8 2. Paragraph 3, entitled “SCOPE” is modified to read as follows:

9 This Order does not confer blanket protections on all disclosures or responses
10 to discovery. The protection it affords from public disclosure and use extends only
11 to the limited information or items that are entitled to confidential treatment under
12 the applicable legal principles. Further, as set forth in Section 12.3, below, this
13 Stipulated Protective Order does not entitle the parties to file confidential
14 information under seal. Rather, when the parties seek permission from the court to
15 file material under seal, the parties must comply with Civil Local Rule 79-5 and
16 with any pertinent orders of the assigned District Judge and Magistrate Judge.

17 The protections conferred by this Stipulation and Order cover not only
18 Protected Material (as defined above), but also (1) any information copied or
19 extracted from Protected Material; (2) all copies, excerpts, summaries, or
20 compilations of Protected Material; and (3) any deposition testimony, conversations,
21 or presentations by Parties or their Counsel that might reveal Protected Material,
22 other than during a court hearing or at trial. However, the protections conferred by
23 this Stipulation and Order do not cover the following information: (a) any
24 information that is in the public domain at the time of disclosure to a Receiving
25 Party or becomes part of the public domain after its disclosure to a Receiving Party
26 as a result of publication not involving a violation of this Order, including becoming
27 part of the public record through trial or otherwise; and (b) any information known
28 to the Receiving Party prior to the disclosure or obtained by the Receiving Party

1 after the disclosure from a source who obtained the information lawfully and under
2 no obligation of confidentiality to the Designating Party.

3 Any use of Protected Material during a court hearing or at trial shall be
4 governed by the orders of the presiding judge. This Order does not govern the use
5 of Protected Material during a court hearing or at trial

6 3. Paragraph 5(b) is modified to change “Testimony” (which appears five
7 times) to “testimony”.

8 4. The second line of Paragraph 6.1 is modified to add “consistent with
9 the Court’s Scheduling Order(s)” after “at any time”.

10 5. In the fourth line of the last (unnumbered) subparagraph of Paragraph 8,
11 the following is added after “Designating Party’s permission”: “or unless otherwise
12 required by the law or court order.”

13 6. Paragraph 9(c) is modified to read as follows:

14 If a Non-Party represented by counsel fails to commence the process called
15 for by Local Rules 45-1 and 37-1, et seq. within 14 days of receiving the notice and
16 accompanying information or fails contemporaneously to notify the Receiving Party
17 that it has done so, the Receiving Party may produce the Non-Party’s confidential
18 information responsive to the discovery request. If an unrepresented Non-Party fails
19 to seek a protective order from this court within 14 days of receiving the notice and
20 accompanying information, the Receiving Party may produce the Non-Party’s
21 confidential information responsive to the discovery request. If the Non-Party
22 timely seeks a protective order, the Receiving Party shall not produce any
23 information in its possession or control that is subject to the confidentiality
24 agreement with the Non-Party before a determination by the court unless otherwise
25 required by the law or court order. Absent a court order to the contrary, the Non-
26 Party shall bear the burden and expense of seeking protection in this court of its
27 Protected Material.

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7. Paragraph 12.3 is modified to read as follows:

2 12.3 Filing Protected Material. Without written permission from the
3 Designating Party or a court order secured after appropriate notice to all interested
4 persons, a Party may not file in the public record in this action any Protected
5 Material. A Party that seeks to file under seal any Protected Material must comply
6 with Civil Local Rule 79-5 and with any pertinent orders of the assigned District
7 Judge and Magistrate Judge. Protected Material may only be filed under seal
8 pursuant to a court order authorizing the sealing of the specific Protected Material at
9 issue. If a Receiving Party's request to file Protected Material under seal is denied
10 by the court, then the Receiving Party may file the information in the public record
11 unless otherwise instructed by the court.

IT IS SO ORDERED.

13 | DATED: November 28, 2017

/s/

Honorable Jacqueline Chooljian
UNITED STATES MAGISTRATE JUDGE